

## **BRIEF IN OPPOSITION TO DEFENDANT’S PARTIAL MOTION TO DISMISS**

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## **ARGUMENT**

Plaintiffs Bel Fuse Inc., Bel Fuse Ltd., Bel Fuse (Macau Commercial Offshore) Ltd., Bel Connector Inc. and Bel Transformer Inc. (collectively, “Bel Fuse”), file this brief in opposition to defendant, Molex Incorporated’s (“Molex”) partial Motion to Dismiss [Dkt. No. 8] (the “Motion”) certain allegations of Bel Fuse’s Complaint filed on April 22, 2013 [Dkt. No. 1].<sup>1</sup>

On August 6, 2013, Molex filed its Motion. The Motion was set to be heard before this Court on September 3, 2013, and Bel Fuse’s response to the Motion is due by August 20, 2013. L.Civ.R. 7.1(d)(2).

On August 20, 2013, Bel Fuse filed a First Amended Complaint. [Dkt. No. 11]. “An amended complaint supersedes the original version in providing the blueprint for the future course of a lawsuit.” *Snyder v. Pascack Valley Hospital*, 303 F.3d 271, 276 (3d Cir. 2002). Accordingly, Molex’s Motion is moot and should be denied without prejudice. *See, e.g., St. Clair v. Citizens Financial Group*, Civ. No. 08-1257 (JBS), 2008 WL 4911870, at \*1, n. #3 (D.N.J. Nov. 12, 2008) (“because Plaintiff has submitted an amended complaint, Defendants’ initial motion to dismiss is deemed moot”); *Hailstalk v. Antique Auto Classic Car Storage, LLC*, Civ. No. 07-5195 (NLH), 2008 WL 4192275, at \*2, n. #2 (D.N.J. Sept. 9, 2008) (“Since an amended complaint supersedes the original complaint, the motion to dismiss the original complaint will be denied as moot”); *Croker v. Applic Consumer Products, Inc.*, Civ. No. 05-3054 (RBK), 2006 WL 626425, at \*1 (D.N.J. March 10, 2006) (“Accordingly, because Plaintiffs have now amended their Complaint, Defendants’ motion to dismiss is moot and will be denied without prejudice. \* \* \* Should Defendants find that Plaintiffs’ Amended Complaint does not

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<sup>1</sup> Bel Fuse believes that its April 22, 2013 Complaint was pled with sufficient specificity to defeat Molex’s partial Motion to Dismiss. However, in an effort to expedite the progress of this case and conserve judicial resources, Bel Fuse has amended its Complaint.

ameliorate the alleged deficiencies, Defendants may file new motions to dismiss as they pertain to the Amended Complaint”).

Bel Fuse therefore respectfully requests that this Court declare that Molex’s Motion is moot, and the Court should deny the Motion without prejudice.

August 20, 2013

Respectfully submitted,

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